

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Richard Spicer

Case No.: 17-11746
Judge: CMG
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☒ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: June 20, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 810.00 per month to the Chapter 13 Trustee, starting on July 1, 2017 for approximately 55 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

\$3,375 paid to date

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 920.00 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Midland Mortgage (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Thomas J. Orr	Attorney's Fees	\$2,500.00
Thomas J. Orr	Supplemental Fees	\$300.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Midland Mortgage	Residence	\$36,361.94	0	\$36,361.94	\$920.00

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Ditech Financial, LLC	Residence	\$54,942.83	\$69,000	\$111,874.22	\$0	0	\$0
Snap-on Credit, LLC	Tools	\$9,591.09	\$3,500.00	None	\$3,500.00	0	\$3,500.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None.			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
None.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
None.		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ _____ 0 _____ to be distributed *pro rata*
☐ Not less than _____ percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
None.			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None.		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None.							

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Ditech Financial, LLC	Residence	\$54,942.83

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Snap-on Credit, LLC	Tools	\$3,500.00	\$6,091.09

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorney's Fees
- 3) Secured Claims
- 4) _____

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: January 10, 2017.

Explain below why the plan is being modified:

to match Midland Mortgage arrears to proof of claim amount

to match Ditech Financial, LLC mortgage balance to proof of claim amount

to cram down secured claim of Snap-on Credit, LLC to partially secured and partially unsecured

Explain below how the plan is being modified:

part 4(a) arrears amount amended to match proof of claim

part 4(b) and 7(b) amended to match proof of claim (plan still reclassifies Ditech Financial, LLC mortgage as completely unsecured and to void lien on collateral)

part 4(b) and 7(c) amended to reflect motion to cram down secured claim of Snap-on Credit, LLC to value of tools

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: June 20, 2017

/s/Thomas J. Orr

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: June 20, 2017

/s/Richard Spicer

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Richard R. Spicer
 Debtor

Case No. 17-11746-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 18

Date Rcvd: Jun 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2017.

db
 516617317 +Richard R. Spicer, 120 Plymouth Street, Browns Mills, NJ 08015-2558
 +Capital One Bank, Acct No xxxx-xxxx-xxxx-3236, PO Box 30285,
 Salt Lake City, UT 84130-0285
 516617320 +Ditech Financial, LLC, Acct No xxxxx3009, 7360 South Kyrene Road, Tempe, AZ 85283-8432
 516617321 +Elizabeth Spicer, 1017 Bradley Court, Mount Laurel, NJ 08054-4210
 516617322 +KML Law Group, Acct No xxxxxx2965, 701 Market Street, #5000,
 Philadelphia, PA 19106-1541
 516865466 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
 516617323 +Midland Funding, LLC, 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 516617324 Midland Mortgage, Acct No xxxxxx2965, PO Box 268806, Oklahoma City, OK 73126-8806
 516617325 Pressler & Pressler, LLP, Acct No S322849, 7 Entin Road, Parsippany, NJ 07054-5020
 516651976 ++SNAP ON CREDIT LLC, 950 TECHNOLOGY WAY, SUITE 301, LIBERTYVILLE IL 60048-5339
 (address filed with court: Snap-on Credit, LLC, 950 Technology Way, Suite 301,
 Libertyville, IL 60048)
 516617326 +Snap On Tools, Acct No xx xxxxx9547, 7694 Hartman Road, Wadsworth, OH 44281-8743

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 22 2017 22:19:51 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 22 2017 22:19:47 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516617318 +E-mail/PDF: creditonebknofications@resurgent.com Jun 22 2017 22:23:13 Credit One Bank,
 PO Box 98875, Las Vegas, NV 89193-8875
 516617319 E-mail/Text: bankruptcy.bnc@ditech.com Jun 22 2017 22:19:25 Ditech Bankruptcy Department,
 Acct No xxxxx3009, PO Box 6154, Rapid City, SD 57709-6154
 516871967 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 22 2017 22:28:57
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067,
 Norfolk VA 23541
 516653340 +E-mail/PDF: gecsed@recoverycorp.com Jun 22 2017 22:23:22 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 516834660 E-mail/Text: bankruptcy.bnc@ditech.com Jun 22 2017 22:19:25
 U.S. Bank, N.A., as Trustee for Bear Stearns Home, c/o Ditech Financial LLC, P.O. Box 6154,
 Rapid City, SD 57709-6154

TOTAL: 7

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 20, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Thomas J Orr on behalf of Debtor Richard R. Spicer tom@torrlaw.com, xerna@aol.com
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4